

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHRISTOPHER MCDOWELL,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
DALLAS COUNTY, TEXAS,	§	3:23-CV-02543-K
Defendant.	§	

**DEFENDANT DALLAS COUNTY’S UNOPPOSED MOTION TO EXTEND DEADLINE  
TO  
FILE A RULE 12(b) MOTION OR A RESPONSIVE PLEADING/ANSWER TO  
PLAINTIFF’S ORIGINAL COMPLAINT, AND BRIEF IN SUPPORT**

**TO THE HONORABLE COURT:**

Defendant Dallas County (“Defendant”), pursuant to Fed. R. Civ. P. 6(b)(1)(A), hereby files this motion to extend its deadline to file a Rule 12(b) motion or a responsive pleading/answer to Plaintiff’s Original Complaint.

Plaintiff does not oppose the relief Defendant seeks in this motion. (See Certificate of Conference below).

**I. SUMMARY OF THE MOTION**

Defendant seeks an extension of thirty-two (32) days (from the current deadline of Thursday, January 11, 2024, deadline) to file a Rule 12(b) motion or to otherwise file a responsive pleading/answer to Plaintiff’s Original Complaint. Good cause exists to grant Defendant an extension of time because: (1) the undersigned counsel needs additional time to investigate the facts of the underlying claim and to prepare the documents in question, (2) Plaintiff will not be prejudiced if the Court grants this motion (the motion is unopposed), and (3) the extension will not unduly or unreasonably delay the resolution of this case.

## **II. RELEVANT PROCEDURAL HISTORY**

Plaintiff filed his Original Complaint on November 17, 2023. (ECF No. 1). On December 6, 2023, Defendant filed an unopposed motion to extend the deadline to file a responsive pleading. (ECF No. 8). On December 7, 2023, the court granted the motion allowing Defendant an extension until January 11, 2024, to file a responsive pleading. (ECF No. 9).

## **III. ARGUMENT AND AUTHORITIES**

### **A. Applicable legal standards**

Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure controls extensions of time to file papers before the time has expired:

#### **(b) Extending Time.**

**(1) In General.** When an act may or must be done within a specified time, the court may, for good cause, extend the time:

**(A)** with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.

### **B. Application of the factors to this motion**

Good cause exists to extend the time for Defendant to file a responsive pleading/answer to Plaintiff's Original Complaint. First, the undersigned, who are responsible for defending against Plaintiff's claims, requires more time to investigate the facts regarding the underlying claims (including allegations that Plaintiff was held in the Dallas County Jail beyond his alleged release date), and needs additional time to prepare the documents in question. Second, the extension requested will not prejudice Plaintiff. Finally, the thirty-two (32) day extension will not delay the resolution of this case in any meaningful manner. There is no scheduling order in this case, and no other deadline will be affected if the Court grants this motion. These circumstances constitute good cause to extend Defendant's deadline.

WHEREFORE, the Defendant request the Court to enter an order granting an extension

of time, through and including Monday, February 12, 2024, for Defendant to file a rule 12(b) motion or to otherwise file a responsive pleading/answer to Plaintiff's Original Complaint, and further to grant all other relief that is consistent with this motion.

Respectfully submitted,

JOHN CREUZOT  
CRIMINAL DISTRICT ATTORNEY  
DALLAS COUNTY, TEXAS

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Attorneys for Defendant Dallas County

**CERTIFICATE OF CONFERENCE**

I certify that on December 21, 2023, I personally conferred via telephone with Dean Malone, counsel for Plaintiff, regarding the merits of this motion and the relief Defendant requests herein. Plaintiff does not oppose the relief Defendant request.

/s/ Joseph W. Spence  
Assistant District Attorney

**CERTIFICATE OF SERVICE**

On December 22, 2023 I filed foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rules of Civil Procedure 5 (b)(2).

/s/ Joseph W. Spence  
Assistant District Attorney